

## **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MICAH FIALKA-FELDMAN,**

Plaintiff,

v.

Case No. 08-CV-14922  
Hon. Patrick J. Duggan

**OAKLAND UNIVERSITY BOARD OF TRUSTEES,**

Defendant.

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**AFFIDAVIT OF LIONEL MATEN**

STATE OF MICHIGAN                    )  
  ) ss  
COUNTY OF OAKLAND                )

I, Lionel Maten, state under oath that the following is true:

1. I have personal knowledge of the facts in this Affidavit and, if sworn as a witness in this matter, I can competently testify to the facts stated herein.

2. I am currently employed by Oakland University as its Director of University Housing. In that capacity, I am responsible for the operation of the University's dormitory and apartment facilities including the administration of its policies for student housing eligibility.

3. The University has housing capacity for approximately 1,800 students/residents.

4. The University has approximately 14,000 students enrolled in degree granting programs.

5. Student housing is reserved for students enrolled in degree granting programs. Residents are: formally admitted to the University as matriculated or conditionally admitted students *in a degree program* at the University, enrolled in a minimum of 8 credit hours during each fall or winter semester, or 4 credit hours for each summer semester in which they reside in

residence halls or apartments; matriculated students in a degree program at another college or university that has an affiliation agreement with the University; or participating in the University's hostel program or authorized summer camp programs.

6. Campus Housing is not made available to those students who are not pursuing a college or graduate degree.

7. Each semester, a number of students seek accommodations for their physical or mental disabilities so that they may live in student housing. These students meet the requirement for being eligible for student housing since they are pursuing degrees. The University routinely provides reasonable accommodations to these students' disabilities so that they may live in student housing.


8. All students in student housing must also carry full-time academic loads and maintain required academic standards in their studies.

9. Micah Fialka-Feldman applied for a student housing assignment for the Winter Term of 2008. His application was accepted because the staff handling his application did not realize that he was ineligible for student housing. The OPTIONS program was new at that time, and many staff did not know its participants' status at the University. Participants in the OPTIONS program are not pursuing higher education degrees or enrolled in degree granting program, do not earn credits at the University, and do not maintain required academic standards.

10. Shortly thereafter, senior management at the University realized that Mr. Fialka-Feldman was erroneously granted permission to live in student housing. The University then promptly notified him of the error and reiterated its policy that student housing is reserved for students pursuing degrees.

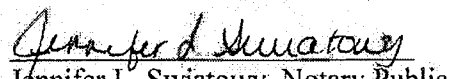
11. I have denied housing to those continuing education students in the University's English as a second Language Program ("ESL") who were not seeking a degree. Some ESL students may have been permitted to live in the dorms, but those ESL students were conditionally admitted into a degree granting program or were international students pursuing a degree.

Further affiant sayeth not.

  
Lionel Maten, Director of Housing  
Oakland University

STATE OF MICHIGAN       )  
                                  )SS  
COUNTY OF OAKLAND    )

The signator is known to me and acknowledged the foregoing instrument this 5th day of January, 2009:

  
Jennifer L. Swiatowy, Notary Public  
Oakland County, Michigan  
My Commission expires: 10/11/15

Jennifer L. Swiatowy  
Notary Public  
Oakland County, Michigan  
My Commission Expires: 10-11-15